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TOCAD AMERICA, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

JOBY, INC.,

Plaintiff,

v.

TOCAD AMERICA, INC.,

Defendant.

Case No. 3:07-cv-06455-SI

**[PROPOSED] ORDER GRANTING  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

THIS MATTER came before the Court upon Defendant ToCAD America, Inc.'s  
("Tocad") Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56.

1 The Court has reviewed and considered the motion, the memoranda, declarations, and  
2 exhibits in support of and in opposition to the motion, the pleadings and all other papers on file  
3 with the Court in this matter.

4 Based upon the foregoing, the Court finds that there is no genuine issue as to any material  
5 fact. Under the undisputed facts, Defendant Tocad is entitled to judgment as a matter of law.

6 It is, therefore, ORDERED, that all of Plaintiff's claims contained in its Complaint be, and  
7 hereby are, dismissed WITH PREJUDICE.

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10 Date: \_\_\_\_\_

By: \_\_\_\_\_  
Hon. Judge Susan Illston

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